REMARKS

Applicant appreciates the Examiner's thorough examination of the present application as evidenced by the Office Action of January 13, 2006 (hereinafter "Office Action"). In response, Applicant has provided new drawing sheets to improve readability, amended the Specification to remove embedded hyperlinks, and have amended the claims to improve clarity. Applicant respectfully submits that the cited references fail to disclose or suggest, among other things, all of the recitations of independent Claims 1, 22, and 44. Accordingly, Applicant submits that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

The Drawings

The Office Action states that the drawings are objected to as being informal and difficult to read. Applicant has reviewed the drawings and cannot tell which of the figures the Examiner has had difficulty reading. Nevertheless, Applicant submits herewith two amended drawing sheets containing FIGS. 2, 3A, and 3B, in which certain reference labels have been typed to improve readability. Applicant respectfully requests that any subsequent Office Action identify which figure(s) are difficult to read if the present response does not overcome the objection.

The Abstract

The Abstract stands objected to due to improper language and format. Applicant has reviewed the Abstract and find that it is within the word limit requirement and does not use language traditionally used in patent claims, such as "means" and "said." Applicant respectfully submits that the Abstract is in compliance with Manual Of Patent Examining Procedure (MPEP) §608.01.

The Specification

The Specification stands objected to for containing embedded hyperlinks. Applicant has amended the Specification to rewrite the references to URLs to ensure that they are not in the form of an embedded hyperlink and/or browser executable code in compliance with MPEP §608.01, part VII.

Section 112 Rejections

Claims 1 - 55 stand rejected under 35 U.S.C. §112 as being indefinite. With respect to independent Claims 1, 22, and 44, the recitation "application data that would be most appropriate" is alleged to be unclear. In response, Applicant submits that no special meaning has been assigned to the word "appropriate." Accordingly, the word should be interpreted according to its dictionary meaning. Webster's Collegiate Dictionary, Tenth Edition, defines "appropriate" as "especially suitable or compatible: fitting." Thus, Applicant submit that the recitation "application data that would be most appropriate" should be interpreted as application data that is compatible or fits with the application for a current context.

With respect to Claims 19 and 41, the recitation "it is safe" is alleged to be unclear. In response, Applicant has removed the reference to the word "it." Dependent Claims 20 and 42 have been amended to be consistent with the amendments to Claims 19 and 41.

Section 101 Rejections

Independent Claims 1 - 55 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. As discussed in the Manual Of Patent Examining Procedure (MPEP):

> The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." *State Street*, 149F.3d at 1373, 47 USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research....
>
> [T]he following [example illustrates a] claimed [invention] that [has] a practical application because [it produces] useful, concrete, and tangible result: ...
>
> -"[T]ransformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces 'a useful, concrete and tangible result' -- a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades." State Street, 149 F3d at 1373, 47 USPQ2d at 1601....

MPEP, Sec. 2106(II.)(A.), page 2100-6, cols. 1-2. (Underline added) As further discussed in the MPEP:

> Office personnel have the burden to establish a *prima facie* case that the claimed invention as a whole is directed to solely an abstract idea or to manipulation of abstract ideas or does not produce a useful result. <u>Only when</u> the claim is <u>devoid of any limitation to a practical application</u> in the technology arts <u>should it be rejected under 35 U.S.C. Sec. 101.</u> ...
> An applicant may assert more than one practical application, but only one is necessary to satisfy the utility requirement.

MPEP, Sec. 2106(II.)(A.), page 2100-7, col. 1. (Underline added.)

Claims 1, 22, and 44 recite that statistical information associated with meta data is used to retrieve particular application data that would be appropriate for a current context of using an application. Thus, statistical information is used to make a selection of other data for an application. Applicant respectfully submits that selecting particular data among a group of data that is most appropriate for a current context of using an application is a useful, tangible, and concrete result. Applicant further submits that the method of Claim 1 is repeatable and produce similar results if repeated as the same or substantially the same data may be retrieved as being the most appropriate for an application if the context of the way the application is used is the same in each instance.

Accordingly, Applicant respectfully submits that Claims 1 - 55 meet all the requirements of 35 U.S.C. §101.

Independent Claims 1, 22, and 44 are Patentable

Independent Claims 1, 22, and 44 stand rejected under 35 U.S.C. § 103 as obvious over U. S. Patent No. 6,957,390 to Tamir et al. in view of United States Patent No. 6,651,217 to Kennedy *et al.* (hereinafter "Kennedy"). (Office Action, page 7). Independent Claim 1 is directed to a method of managing meta data in a computing device and recites, in part:

> ...
> collecting meta data resulting from use of the computing device, the meta data comprising application data usable in an application **and context data for identifying context in which the application data are used;**
> determining statistical information associated with the meta data, the statistical information indicating relationships between the meta data;
> storing the meta data and the statistical information in a storage of the computing device; and

> retrieving, from the storage, application data that would be most
> appropriate for a current context of using the application based on the context data
> and the statistical information. (Emphasis added).

Independent Claims 22 and 44 include similar recitations. As highlighted above, independent Claim 1 states that context data are collected for identifying the context in which the application data are used. Context data are described, for example, in the Specification in paragraph 34 at page 10, line 25 as follows:

> In the present invention, "meta data" include "application data" and
> "context data". Application data is any data that is directly used in or by the
> application, e.g., form data (values entered into the fields of computer forms),
> user ID and password combinations, PKI certificates/private key pairs, user
> preference data including bookmarks and display setting data including web page
> display setting data and file display setting data, etc. Context data is any data that
> identifies the context in which the application data is used. The context data may
> include, but are not limited to, field names identifying the fields of forms/files,
> URLs of forms, file names, roles identifying the role in which the user functions
> in producing the application data, etc. The display setting data may include, but
> are not limited to, font, font size, background color, language encoding,
> window/screen size, whether to open the window/file with a new process or the
> existing process, security settings, etc.

Applicant acknowledges that Tamir discloses the collection of application data in FIG. 4 and the accompanying text at col. 6, line 49 through col. 7, line 39. Applicant submits, however, that Tamir does not appear to disclose or suggest the collection of context data. The Activity Data 60 of FIG. 4 appears to be a collection of data that a user inputs while browsing the Web. Applicant further submits that Kennedy fails to provide the missing teaching with respect to collecting context data.
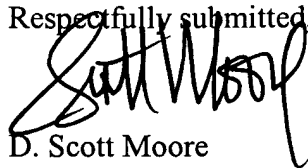
Accordingly, for at least the foregoing reasons, Applicant respectfully submits that independent Claims 1, 22, and 44 are patentable over Tamir and Kennedy, and that Claims 2 - 21, 23 - 43, and 45 - 55 are patentable at least as they depend from an allowable claim.

CONCLUSION

In light of the above discussion, Applicant submits that the present application is in condition for allowance, which action is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

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